

1 BILL NO. Z-83-09-44

2 ZONING MAP ORDINANCE NO. Z-13-83

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. I-3.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby designated
8 a B-1-B (Limited Business) District under the terms of Chapter 33 of the
9 Code of the City of Fort Wayne, Indiana of 1974:

10 Lot #240 in Commercial 2nd Addition

11 and the symbols of the City of Fort Wayne Zoning Map No. I-3, as established
12 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
13 are hereby changed accordingly.

14 SECTION 2. That this Ordinance shall be in full force and effect
15 from and after its passage and approval by the Mayor and the legal publication
16 thereof.

17
18 
19 COUNCILMEMBER

20
21 APPROVED AS TO FORM AND LEGALITY

22 
23 BRUCE G. BOXBERGER, CITY ATTORNEY
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Read the first time in full and on motion by Stier,
seconded by Ben Junta, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock 11.M., E.S.T.

DATE: 9-27-83

Sandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by Stier,
seconded by Ben Junta, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>.</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>BRADBURY</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>BURNS</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>EISBART</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>SCHOMBURG</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>SCRUGGS</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>STIER</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>TALARICO</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

DATE: 10-11-83

Sandra E. Kennedy
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) ~~(GENERAL)~~ ~~(ANNEXATION)~~ ~~(SPECIAL)~~

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 3-13-83
on the 11th day of October, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
CITY CLERK

Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 12th day of October, 1983, at the hour of
11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
CITY CLERK

Approved and signed by me this 18th day of October
1983, at the hour of 3 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

· PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Mary Ann + David Shultz
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B/A District to a/an B/B District the property described as follows:

2725 TAYLOR ST

LOT #240 COMMERCIAL 2ND ADDITION

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>MARY ANN SHULTZ</u>	<u>3010 HOMEDALE DR.</u>	<u>Mary Ann Shultz</u>
<u>DAVID O SHULTZ</u>	<u>3010 HOMEDALE DR.</u>	<u>David O. Shultz</u>
_____ (Name)	_____ (Address)	_____ (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>DAVID O. SHULTZ</u>	<u>3010 HOMEDALE DR.</u>	<u>FR. WAYNE 46816</u>	<u>219-447-5067</u>
(Name)	(Address & Zip Code)		(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 27, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-09-44; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 19, 1983;

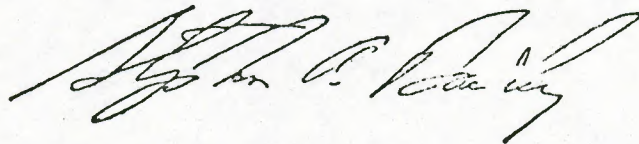
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and correct copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 26, 1983.

Certified and signed this
30th day of September 1983.



Stephen A. Bailey
Secretary

Held

BILL NO. Z-83-09-44

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. I-3

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

James S. Stier
~~*Victure L. Scruggs*~~
Victure L. Scruggs
Mark E. Giaquinta
Roy J. Schomburg

Concurred 10-11-83

Sandra E. Kennedy

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 9035

FT. WAYNE, IND., *August 23* 19 *83*

RECEIVED FROM

David C. / Mary Ann Shultz

\$ *50⁰⁰*

THE SUM OF

Fifty Dollars

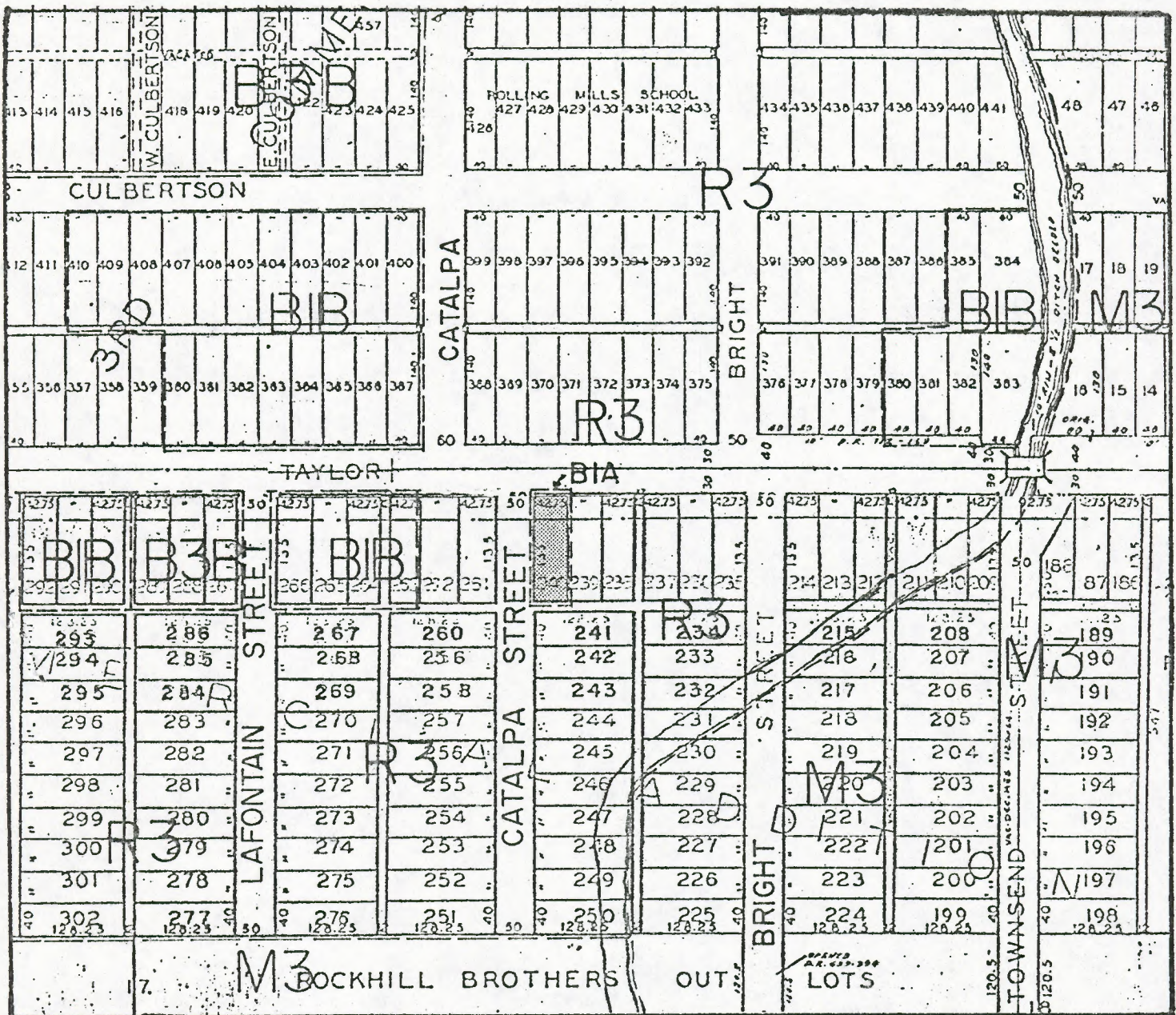
00 DOLLARS
100


ON ACCOUNT OF

Regency Living Inc
2725 Lynch St

Gary Burtin

AUTHORIZED SIGNATURE



 A PETITION TO AMEND THE ZONING MAP
 BY RECLASSIFYING DESCRIBED PROPERTY
 FROM A BIA TO A BIB DISTRICT.

MAP NO. 1-3

Z-83-09-44





The City of Fort Wayne

DIVISION OF LAND USE MANAGEMENT

Department of Community Development & Planning

30 September 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held September 26, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-83-09-44
2. From "B-1-A" to "B-1-B"
3. Intended Use: Restaurant
4. Plan Commission Recommendation: DO PASS

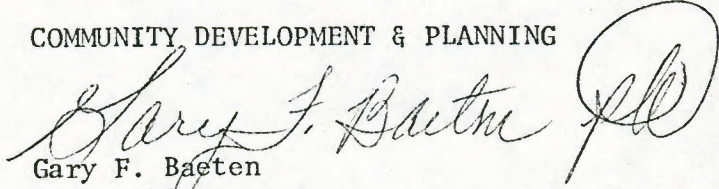
This ordinance received a DO PASS recommendation for the following reason:

REASON: The need for this rezoning arises from conditions peculiar to the property and not due to the general conditions of the neighborhood.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

ORIGINAL

DIGEST SHEET

ORIGINAL

6441

3-83-09-44

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lot 240 Commercial 2nd Addition more commonly known
as 2725 Taylor Street.

EFFECT OF PASSAGE Property is now zoned B-1-A - Limited Business. Property
will become B-1-B - Limited Business but which allows a much broader list of
businesses.

EFFECT OF NON-PASSAGE Property will remain B-1-A - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____